

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2008-0214-AIR-E TCEQ ID: RN100222140 CASE NO.: 35344
RESPONDENT NAME: Owens Corning Composite Materials, LLC

Page 1 of 2

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Owens Corning-Randall County, 1701 Hollywood Road, Amarillo, Randall County</p> <p>TYPE OF OPERATION: Fiberglass manufacturing plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is one additional pending enforcement action regarding this facility location, Docket No. 2008-0547-AIR-E.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on July 7, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Bryan Elliott, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-4930; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. A. Richards, Plant Leader, Owens Corning Composite Materials, LLC, P.O. Box 8000, Amarillo, Texas 79114 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: November 28, 2007</p> <p>Date of NOV/NOE Relating to this Case: January 18, 2008 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>AIR</p> <p>Failure to comply with all special conditions contained in the issued permit. Specifically, the Respondent failed to install modifications to the 10-02 Forming Zones (Emission Point Nos. 020851 through 020854) that would result in stack heights of at least 65.9 feet and a diameter of 5.97 feet by January 1, 2007 [30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(c); New Source Review ("NSR") Permit No. 5042/PSD-TX-844M1, Special Condition No. 6(L); and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$16,600</p> <p>Total Deferred: \$3,320 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$13,280</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent obviated the need to modify stack dimensions by submitting a permit alteration for NSR Permit No. 5042/PSD-TX-844M1 to decrease emissions of styrene at the Plant.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 15 days after the effective date of this Agreed Order, submit written certification that NSR Permit No. 5042/PSD-TX-844M1 has been altered to lower emission rates of styrene at the Plant to a maximum of 16.0 pounds per hour; and</p> <p>b. The certification required by Ordering Provision a. shall include detailed supporting documentation including photographs, receipts, and/or other records.</p>

Additional ID No(s): RB0010D



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision January 29, 2008

DATES	Assigned	22-Jan-2008	Screening	30-Jan-2008	EPA Due	
	PCW	30-Jan-2008				

RESPONDENT/FACILITY INFORMATION	
Respondent	Owens Corning Composite Materials, LLC
Reg. Ent. Ref. No.	RN100222140
Facility/Site Region	1-Amarillo
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	35344	No. of Violations	1
Docket No.	2008-0214-AIR-E	Order Type	1660
Media Program(s)	Air	Enf. Coordinator	Lindsey Jones
Multi-Media		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$10,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **66%** Enhancement **Subtotals 2, 3, & 7** **\$6,600**

Notes The penalty was enhanced due to three previous 1660-style orders and three previous non-similar NOV's.

Culpability **No** **0%** Enhancement **Subtotal 4** **\$0**

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply **0%** Reduction **Subtotal 5** **\$0**

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes The Respondent does not meet the good faith criteria.

Total EB Amounts **\$6,060** **0% Enhancement*** **Subtotal 6** **\$0**
Approx. Cost of Compliance **\$40,000** ***Capped at the Total EB \$ Amount**

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$16,600**

OTHER FACTORS AS JUSTICE MAY REQUIRE **0%** **Adjustment** **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$16,600**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$16,600**

DEFERRAL **20%** Reduction **Adjustment** **-\$3,320**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY **\$13,280**

Screening Date 30-Jan-2008

Docket No. 2008-0214-AIR-E

PCW

Respondent Owens Corning Composite Materials, LLC

Policy Revision 2 (September 2002)

Case ID No. 35344

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN100222140

Media [Statute] Air

Enf. Coordinator Lindsey Jones

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	3	6%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	3	60%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 66%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

The penalty was enhanced due to three previous 1660-style orders and three previous non-similar NOVs.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 66%

Screening Date 30-Jan-2008 Respondent Owens Corning Composite Materials, LLC Case ID No. 35344 Reg. Ent. Reference No. RN100222140 Media [Statute] Air Enf. Coordinator Lindsey Jones Violation Number 1	Docket No. 2008-0214-AIR-E PCW <i>Policy Revision 2 (September 2002)</i> <i>PCW Revision January 29, 2008</i>																
Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3) and 116.115(c); New Source Review Permit No. 5042/PSD-TX-844M1, Special Condition No. 6(L); and Tex. Health & Safety Code § 382.085(b)																	
Violation Description Failed to comply with all special conditions contained in the issued permit. Specifically, the Respondent failed to install modifications to the 10-02 Forming Zones (EPN Nos. 020851 through 020854) that would result in stack heights of at least 65.9 feet and a diameter of 5.97 feet by January 1, 2007.																	
Base Penalty \$10,000																	
>> Environmental, Property and Human Health Matrix																	
OR	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td></td> <th colspan="3">Harm</th> </tr> <tr> <td>Release</td> <th>Major</th> <th>Moderate</th> <th>Minor</th> </tr> <tr> <td>Actual</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Potential</td> <td></td> <td style="text-align: center;">x</td> <td></td> </tr> </table>		Harm			Release	Major	Moderate	Minor	Actual				Potential		x	
	Harm																
Release	Major	Moderate	Minor														
Actual																	
Potential		x															
Percent 25%																	
>> Programmatic Matrix																	
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	Falsification	Major	Moderate	Minor													
Percent 0%																	
Matrix Notes	Human health or the environment could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.																
Adjustment \$7,500																	
\$2,500																	
Violation Events																	
<table style="width: 100%;"> <tr> <td style="width: 40%;"> Number of Violation Events 4 </td> <td style="width: 20%; text-align: center;">394</td> <td style="width: 40%;"> Number of violation days </td> </tr> </table>		Number of Violation Events 4	394	Number of violation days													
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mark only one with an x	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>daily</td><td></td></tr> <tr><td>monthly</td><td></td></tr> <tr><td>quarterly</td><td></td></tr> <tr><td>semiannual</td><td></td></tr> <tr><td>annual</td><td></td></tr> <tr><td>single event</td><td style="text-align: center;">x</td></tr> </table>	daily		monthly		quarterly		semiannual		annual		single event	x				
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monthly																	
quarterly																	
semiannual																	
annual																	
single event	x																
Violation Base Penalty \$10,000																	
Four single events are recommended for the four stacks.																	
Economic Benefit (EB) for this violation																	
Statutory Limit Test																	
Estimated EB Amount \$6,060	Violation Final Penalty Total \$16,600																
This violation Final Assessed Penalty (adjusted for limits) \$16,600																	

Economic Benefit Worksheet**Respondent** Owens Corning Composite Materials, LLC**Case ID No.** 35344**Reg. Ent. Reference No.** RN100222140**Media** Air**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$40,000	1-Jan-2007	1-Mar-2009	2.2	\$289	\$5,772	\$6,060
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to modify the stack heights of EPN Nos. 020851 through 020854 to comply with Special Condition No. 6(L) of NSR Permit No. 5042/PSD-TX-844M1. Date required is the deadline given by the permit special condition. Final date is the estimated date of compliance.

Avoided Costs**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs**Approx. Cost of Compliance**

\$40,000

TOTAL

\$6,060

Compliance History

Customer/Respondent/Owner-Operator:	CN603128455	Owens Corning Composite Materials, LLC	Classification: AVERAGE	Rating: 9.86																																																
Regulated Entity:	RN100222140	OWENS CORNING-RANDALL COUNTY	Classification: AVERAGE	Site Rating: 9.86																																																
ID Number(s):	<table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">AIR OPERATING PERMITS</td> <td style="width: 20%;">ACCOUNT NUMBER</td> <td style="width: 30%;">RB0010D</td> </tr> <tr> <td>AIR OPERATING PERMITS</td> <td>PERMIT</td> <td>1019</td> </tr> <tr> <td>INDUSTRIAL AND HAZARDOUS WASTE GENERATION</td> <td>EPA ID</td> <td>TXD084284132</td> </tr> <tr> <td>INDUSTRIAL AND HAZARDOUS WASTE GENERATION</td> <td>SOLID WASTE REGISTRATION # (SWR)</td> <td>31642</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>5042</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>28369</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>29306</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>44636</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>ACCOUNT NUMBER</td> <td>RB0010D</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>EPA ID</td> <td>PSDTX844</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>AFS NUM</td> <td>4838100004</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>EPA ID</td> <td>PSDTX844M1</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>79254</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>80038</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>80555</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>81407</td> </tr> </table>				AIR OPERATING PERMITS	ACCOUNT NUMBER	RB0010D	AIR OPERATING PERMITS	PERMIT	1019	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD084284132	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	31642	AIR NEW SOURCE PERMITS	PERMIT	5042	AIR NEW SOURCE PERMITS	PERMIT	28369	AIR NEW SOURCE PERMITS	PERMIT	29306	AIR NEW SOURCE PERMITS	PERMIT	44636	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	RB0010D	AIR NEW SOURCE PERMITS	EPA ID	PSDTX844	AIR NEW SOURCE PERMITS	AFS NUM	4838100004	AIR NEW SOURCE PERMITS	EPA ID	PSDTX844M1	AIR NEW SOURCE PERMITS	REGISTRATION	79254	AIR NEW SOURCE PERMITS	REGISTRATION	80038	AIR NEW SOURCE PERMITS	REGISTRATION	80555	AIR NEW SOURCE PERMITS	REGISTRATION	81407
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Location: 1701 HOLLYWOOD RD, AMARILLO, TX, 79109 Rating Date: September 01 07 Repeat Violator: NO

TCEQ Region: REGION 01 - AMARILLO

Date Compliance History Prepared: January 29, 2008

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: January 29, 2003 to January 29, 2008

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Lindsey Jones Phone: 512-239-4930

Site Compliance History Components

- | | |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period? | No |
| 3. If Yes, who is the current owner? | N/A |
| 4. If Yes, who was/were the prior owner(s)? | N/A |
| 5. When did the change(s) in ownership occur? | N/A |

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 01/08/2004

ADMINORDER 2002-1334-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Condition No. 1 PERMIT

Description: Failure to meet the PM, NOx and HF emission standards of Permit No. 5042 / PSD-TX-844 during compliance testing of the Owens Corning, Amarillo Plant 10-01 Furnace on July 10, 2002.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Condition 1 PERMIT

Description: Failure to meet the SO2 emission standard of Permit No. 5042 / PSD-TX-844 during compliance testing of Owens Corning, Amarillo Plant 10-01 Forehearth Stack (Stack 1) and 10-01 Heat Exchanger Stack (Stack 5) on July 11, 2002.

Effective Date: 07/05/2004

ADMINORDER 2003-1400-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)
30 TAC Chapter 122, SubChapter B 122.165
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to submit form OP-CR01, Certification by Responsible Official for the Federal Operating Permit Program, and the corresponding deviation report for the annual compliance period of October 1, 2001 - October 1, 2002.

Effective Date: 10/25/2007

ADMINORDER 2007-0537-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
30 TAC Chapter 122, SubChapter B 122.145(2)(B)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to submit a timely deviation report for the period November 1, 2005 to April 30, 2006, and failed to include all instances of deviations in the associated deviation report. Specifically, the deviation report was required to be submitted on or before May 30, 2006, to include the deviation NOx and carbon monoxide exceedences during a stack test on March 28, 2006 and failure to submit the stack test results within 30 days of testing. The report was not submitted until January 22, 2007.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	02/21/2003	(9320)
2	04/25/2003	(34849)
3	08/28/2003	(61991)
4	08/13/2004	(289257)
5	05/19/2005	(375770)
6	06/21/2005	(395845)
7	08/19/2005	(404600)
8	01/26/2006	(453121)
9	07/14/2006	(486074)
10	02/05/2007	(537166)
11	01/08/2008	(612709)
12	01/18/2008	(600877)
13	01/18/2008	(614795)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date 05/19/2005 (375770)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.69(d)(1)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(c)(1)(i)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT I 265.173(a)

Description: Drums in SAAs were not closed at all times.

Date 01/08/2008 (612709)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Description: Owens Corning Sales, Inc. did not meet the time requirement to submit a schedule for submittal of the copies of the final stack test report. According to Permit No. 5042/PSD-TX-844M1, SC 15(C) the Regulated Entity (RE) has 30 days to submit a schedule for submittal of the final copies of the final stack test report after completing the stack test. The unit was tested on July 18, 2007 and the stack test report was submitted to the TCEQ Lubbock Regional Office on August 22, 2007.

Date 01/18/2008 (614795)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PERMIT NSR Permit 5042/PSD-TX-844M1

Description: Failure to comply with special condition 6 (I) of NSR Permit no. 5042/PSD-TX-844M1. The company unloaded material while the doors to the batch house were broken and left open. A Notice of Violation will be issued and resolved for this violation. (Associated to CCEDS investigation number 614795)

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
OWENS CORNING COMPOSITE
MATERIALS, LLC
RN100222140**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2008-0214-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Owens Corning Composite Materials, LLC ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a fiberglass manufacturing plant at 1701 Hollywood Road in Amarillo, Randall County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about January 23, 2008.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Sixteen Thousand Six Hundred Dollars (\$16,600) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations").

The Respondent has paid Thirteen Thousand Two Hundred Eighty Dollars (\$13,280) of the administrative penalty and Three Thousand Three Hundred Twenty Dollars (\$3,320) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent obviated the need to modify stack dimensions by submitting a permit alteration for New Source Review ("NSR") Permit No. 5042/PSD-TX-844M1 to decrease emissions of styrene at the Plant.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have failed to comply with all special conditions contained in the issued permit, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(c); NSR Permit No. 5042/PSD-TX-844M1, Special Condition No. 6(L); and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on November 28, 2007. Specifically, the Respondent failed to install modifications to the 10-02 Forming Zones (Emission Point Nos. 020851 through 020854) that would result in stack heights of at least 65.9 feet and a diameter of 5.97 feet by January 1, 2007.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Owens Corning Composite Materials, LLC, Docket No. 2008-0214-AIR-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 15 days after the effective date of this Agreed Order, submit written certification as described below that NSR Permit No. 5042/PSD-TX-844M1 has been altered to lower emission rates of styrene at the Plant to a maximum of 16.0 pounds per hour; and
 - b. The certification required by Ordering Provision No. 2.a. shall include detailed supporting documentation including photographs, receipts, and/or other records. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:


Air Section, Manager
Amarillo Regional Office
Texas Commission on Environmental Quality
3918 Canyon Drive
Amarillo, Texas 79109-4933

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

7/2/2008


Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

5/1/8

Date

A. RICHARDS

Name (Printed or typed)
Authorized Representative of
Owens Corning Composite Materials, LLC

DIRECT ROVINGS BUSINESS AND

Title PLANT LEADER

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

